



The Metropolitan District

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STATEMENT OF THE METROPOLITAN DISTRICT
IN OPPOSITION TO SENATE BILL 445

Senator Coleman, Representative Fox and members of the Judiciary Committee, I am writing on behalf of the Metropolitan District in **opposition** to Senate Bill 445, an Act Concerning Liability for Recreational Use of Land.

The Metropolitan District ("MDC") is a specially-chartered municipal corporation that provides water, sanitary sewer, riverfront park maintenance, and other public services to its eight member towns – Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield and Windsor – as well as portions of other towns within the Greater Hartford area.

The MDC owns over 25,000 acres of watershed and reservoir land in Connecticut. A vast majority of the MDC property is made available for recreational activities, such as hunting, fishing, hiking, swimming, cycling and jogging. One of the MDC's most-used recreational lands is located in West Hartford, and consists of approximately 3,000 acres of open space off Albany Avenue. The MDC does not charge a fee for recreational use of this property, but it is estimated that approximately 200,000 people visit this site annually. Another significant recreational facility is a 1,900 acre site in Barkhamsted known as Lake McDonough, consisting of a 390 acre lake with four beaches and a boathouse. Over 40,000 people visit Lake McDonough on an annual basis. Of particular note is the number of children from MDC member towns that use the facility for camping and daily outings.

In May, 2010, a jury in the case of Blonski v. Metropolitan District awarded \$2.9 million in damages to a cyclist injured when she rode her bicycle into a closed gate at the West Hartford reservoir. The judgment is under appeal. This case, in part, prompted Representative Baram to pursue legislation in 2011 regarding municipal liability for recreational use of public lands.

During the 2011 legislative session, the General Assembly passed a compromise recreational immunity bill, Public Act 11-211, which represented the by-product of several stakeholders, including the trial lawyers, landowners, water companies and recreational users, to name a few. The underlying purpose of this public act was to encourage public entities to make their open space available to the recreating public, while creating certain exceptions to immunity to afford some protection from unsafe conditions.

Less than one year from the effective date of P.A. 11-211, SB 445 represents an attempt to strip away many of the protections provided in 2011. The limited immunity provided in P.A. 11-211 achieves a constructive balance between insuring safe recreational facilities while reducing legal exposure to innumerable lawsuits at taxpayers' expense. SB 445 is certainly a step backward.

We urge committee members to reject SB 445.